



**Livestock and Seed Program
Audit, Review, and Compliance Branch
Quality System Audit Report**

AUDIT INFORMATION

Applicant Name:	Baystate Organic Certifiers (BOC)
Est. Number:	N/A
Physical Address:	683 River St. Winchendon, MA 01475
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Contact & Title:	Don Franczyk, Executive Director/Certification Administrator
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Phone Number:	978-297-4171
Auditor(s):	Miguel A. Caceres
Program:	USDA National Organic Program (NOP)
Audit Date(s):	January 30 – April 26, 2007
Audit Identifier:	NP7030MMB
Action Required:	Yes
Audit Type:	Surveillance - Accreditation Renewal Audit
Audit Objective:	To verify continuing compliance to the audit criteria; and to verify the implementation and effectiveness of corrective actions in addressing the previous non-compliances.
Audit Criteria:	7 CFR Part 205, National Organic Program, Final Rule, dated December 21, 2000; Updated September 11, 2006
Audit Scope:	BOC's quality manual dated April 23, 2007, including personnel, processes, procedures, facilities, and related records
Location(s) Audited:	BOC office located in Winchendon, MA; and Chase Hill Farm and West Branch Farm Products in Warwick, MA.

The 5 Year Accreditation Audit process started on January 30, 2007 with a review of the documents submitted by BOC and culminated with the on-site surveillance audit which was conducted on April 23 – 26, 2007. Since the initial accreditation audit documents were submitted, the BOC Administrative Manual was revised because of an internal audit conducted to assess feasibility of applying for *ISO Guide 65* accreditation. Because of the limited number of clients requesting *ISO Guide 65* certification and the associated costs of implementing the program there were no plans at the time of the audit to continue with an accreditation request. Additional time was taken during the on-site audit to review the revised manual (see findings). Information received from BOC indicated there were 119 crops, 2 wild crops, 19 livestock, and 53 handlers in the certification program. At the time of the audit, there was only one of the livestock operations in transition. They had started in August 2006 and were feeding 100 percent organic feed.



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The BOC organic certification program is operated with a staff of twelve and ten subcontracted inspectors. The staff consists of the Executive Director, two reviewers/readers, nine certification decision makers, five Massachusetts State inspectors, and five IOIA independent inspectors. The majority (approximately 65 percent) of the certification decisions made on client files are made by the Executive Director with the remaining certification decisions being conducted by one of the nine certification decision makers. A review of the staff's education, training and experience records indicated that the personnel had the necessary qualifications for their job duties and do not provide consulting services.

The two witness inspections covered all four categories of accreditation: crops, wild crops, livestock, and handlers.

The review of the organic system plans and interviews conducted revealed the following:

- Labels are required to be submitted with the application and are reviewed prior to inspection, during the inspection, and after;
- Traceability of organic products received by certified operations were to the NOP standards; and
- Organic system plans require information is provided on crop rotations.

BOC has a "Material Review Contract and Recognition Agreement" with OMRI which was signed by BOC and OMRI on March 21 and 26, 2007 respectively. BOC stated the agreement would be used as a tool and BOC would be able to gain information on the actual ingredients/components of a brand name product to verify compliance to the standards. BOC had not actually started using the process as of the audit date.

FINDINGS

Observations made, interviews conducted, and procedures and records reviewed verified that BOC is currently operating in compliance to the audit criteria except as noted below. The corrective actions for two non-compliances from the 2006 Annual Update were verified and the non-compliances were cleared. There were eight new non-compliances identified during the audit.

NP6214MMA.NC1 – Major – Cleared

NP6214MMA.NC2 – Major – Cleared

NP7030MMB.NC1 – NOP §205.203(c)(1)(ii) states, "The producer must manage plant and animal materials to maintain or improve organic matter content... (1) Raw animal manure, which must be composted unless it is: (ii) Incorporated into the soil not less than 120 days prior to the harvest of a product whose edible portion has direct contact with the soil surface or soil particles." *The inspection report for one operation indicated that processed poultry manure was applied to a cranberry bog on June 24th and the harvest began on Oct 5th (103 days) and on June 22nd manure was applied to another bog and harvest began on Oct 19th (119 days). BOC did not identify this as a non-compliance because it was applied 90 days before harvest. There was no crop present at the time of application, and the crop was harvested as a dry pick as opposed to wet pick.*



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NP7030MMB.NC2 – NOP §205.404(b)(2) states, “The certifying agent must issue a certificate of organic operation which specifies the: Effective date of certification.” *Certificates issued contained the date the certificate was revised/renewed and a “Certified Since” date which only reflects the year first certified and not the actual date.*

NP7030MMB.NC3 – NOP §205.405(a) states, “When the certifying agent has reason to believe, based on a review of the information specified in 205.402 or 205.404, that an applicant for certification is not able to comply or is not in compliance with the requirements of this part, the certifying agent must provide a written notification of noncompliance to the applicant.” and clause §205.403(c)(3) states, “The on-site inspection of an operation must verify: (3) That prohibited substances have not been and are not being applied to the operation...” *In one file reviewed for the witness inspection, there was a document titled “2005 Health Problems” and stated, “5/10 Ketosis Chili drenched with propylene glycol, 1 week 8 oz. 2x/day”. The witness inspection verified that the animal “Chili” was still under organic management and the milk produced was being used to manufacture organic cheese. This was not identified as a non-compliance during the previous inspections or certification reviews. An invoice in the file stated that the rennet being utilized was “Liquid Synthetic rennet, vegetarian, 1 litre.” There was no supporting documentation to indicate that a review had been conducted to verify that the rennet was not a synthetic and that no preservatives had been utilized in the product. BOC stated that they did not identify a non-compliance because the fact sheet on the product stated the product was Marzyme, and “Marzyme is an enzyme produced by the fermentation of a purified culture of the fungal Mucor miehei. The strain has been subjected to no genetic modification, ...” However, as previously noted there was no review conducted to ensure no prohibited preservatives were utilized.*

NP7030MMB.NC4 – NOP §205.501(a)(7) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Have an annual program review of its certification activities...” *The “Baystate Organic Certifiers Annual Program Review”, dated April 15, 2006, indicated that the annual program review consisted of reviewing all 2005 files for completeness; reviewing the administrative and program manuals to ensure the procedures were in compliance to the National Organic Standards; and reviewing the personnel files. The scope of the annual program review was not all inclusive of the certification activities because files were not reviewed to ensure the certification process was conducted in accordance with the standards or that the organic system plans were in compliance with the standards.*

NP7030MMB.NC5 – NOP §205.501(a)(11)(iv) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Not giving advice or providing consultancy services, to certification applicants or certified operations, for overcoming identified barriers to certification.” *The revised Administrative Manual version 1.6, section Conflict of Interest, item #6 states, “Inspectors, reviewers, and Decision makers are prohibited from giving advice or providing consultant services to applicants for certification, or to certified operations for the purpose of overcoming barriers to certification, if they are also reviewing, inspecting, or making the decision for that particular operation.” While BOC stated this does not occur the statement is not in compliance with the Rule.*



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NP7030MMB.NC6 – NOP §206.642 states, “Fees charged by a certifying agent must be reasonable, and a certifying agent shall charge applicants for certification...only those fees and charges it has filed with the Administrator.” *BOC had a reciprocal agreement with MOFGA Certification Services, Unity, ME to certify each others operations when there was a conflict of interest or potential conflict of interest under clause §205.501(a)(11)(i). However, fees were not charged to the two MOFGA operations certified by BOC. Instead the operations were to pay the certification fees to their respective organizations.*

NP7030MMB.NC7 – NOP §205.662(b) states, “Resolution. When a certified operation demonstrates that each non-compliance has been resolved, the certifying agent... shall send the certified operation a written notification of non-compliance resolution.” *There was no notification of resolution sent to clients after they provided corrective actions. The executive director stated he had spoken with operation and notified them verbally.*

NP7030MMB.NC8 – The BOC revised Administrative Manual, version 1.6, page 37, states, “Commercial Availability Waivers, Sections 205.204(a)(1) and 205.606 of the National Organic Standards specify that commercial availability waivers may be granted to requirements of the National Organic Standards under specific conditions.” *This is an inaccurate portrayal of the Final Rule in that the referenced sections deal with exceptions for using non-organically produced, untreated seeds and planting stock and the use of specific nonorganically produced agricultural products and not granting waivers.*